

E2SSB 5073 - H AMD TO WAYS COMM AMD (H-2509.2/11) **553**

By Representative Hurst

ADOPTED 04/11/2011

1 On page 12, line 11 of the striking amendment, after "arrested,"
2 strike "searched,"

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4 On page 12, line 14 of the striking amendment, after "property"
5 strike "searched, seized," and insert "seized"

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7 On page 13, line 7 of the striking amendment, after "evidence"
8 strike "that the" and insert "that:"

9 (a) The

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11 On page 13, line 9 of the striking amendment, after "benefit;"
12 insert "or"

13 (b) The qualifying patient has converted cannabis produced or
14 obtained for his or own medical use to the qualifying patient's
15 personal, nonmedical use or benefit;"

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17 On page 13, line 15 of the striking amendment, after "act" strike
18 all material through "and" on line 17

19
20 On page 16, line 18 of the striking amendment, after "Washington;"
21 strike "and"

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23 On page 16, line 23 of the striking amendment, after "cannabis"
24 insert "; and"

25 "(4) Does not possess evidence that the nonresident has converted
26 cannabis produced or obtained for his or her own medical use to the
27 nonresident's personal, nonmedical use or benefit"

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2 On page 19, line 32 of the striking amendment, after "from" strike
3 "search, arrest," and insert "arrest"

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5 On page 19, line 33 of the striking amendment, after "or" strike
6 all material through "and" on line 34

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8 On page 37, line 6 of the striking amendment, after "(1)" strike
9 all material through "and" on line 7 and insert "(a) The arrest and
10 prosecution protections established in section 401 of this act may not
11 be asserted in a supervision revocation or violation hearing by a
12 person who is supervised by a corrections agency or department,
13 including local governments or jails, that has determined that the
14 terms of this section are inconsistent with and contrary to his or her
15 supervision.

16 (b) The"

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18 On page 37, line 7 of the striking amendment, after "sections"
19 insert "402,"

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EFFECT: Removes the protections from searches for qualifying patients registered with the Department of Health (DOH). Removes the protections from being taken into custody or booked into jail for qualifying patients with valid documentation, but who are not registered with DOH (retains the affirmative defense).

Requires that a qualifying patient in the DOH registry not have converted cannabis for medical use to personal, nonmedical use or benefit in order to receive arrest and prosecution protections.

Requires that a nonresident not have converted cannabis to personal, nonmedical use or benefit in order to assert an affirmative defense.

Exempts certain persons who are under the supervision of a corrections agency or department, including a local government or jail, from relying upon arrest and prosecution protections and affirmative defenses related to the medical use of cannabis in a proceeding regarding supervision revocation or violation.

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